

**As Introduced**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**H. B. No. 517**

**Representative Sweeney**

**Cosponsors: Representatives Brown, Cera, Crossman, Galonski, Ingram, Leland,  
Liston, Russo, Smith, K.**

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**A BILL**

To amend sections 3737.82 and 3781.10 of the 1  
Revised Code to explicitly exempt building and 2  
fire codes from certain rule review 3  
requirements. 4

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 3737.82 and 3781.10 of the 5  
Revised Code be amended to read as follows: 6

**Sec. 3737.82.** (A) The fire marshal shall adopt a state 7  
fire code which shall consist of rules relating to all aspects 8  
of fire safety. The rules shall be the minimum standards for 9  
safeguarding life and property from fire and explosion, and the 10  
fire marshal may, in adopting these rules, incorporate by 11  
reference existing published standards as well as amendments 12  
thereto subsequently published by the same authority. The fire 13  
code shall include, but not be limited to, rules relating to the 14  
movable contents of any building, or class of buildings, the 15  
transportation, storage, location, and use of flammable or 16  
explosive materials, the procedures to be employed by persons in 17  
the event of fire, the installation and location of fire 18

protection equipment, and other similar matters. The fire code 19  
may contain rules applicable to particular classes of existing 20  
buildings or structures as the use and occupancy of such 21  
buildings or structures suggest are necessary. The fire marshal 22  
may amend, modify, or repeal any rule of the state fire code. 23

(B) In the interest of public safety, all rules adopted 24  
pursuant to this chapter shall be exempt from section 121.95 of 25  
the Revised Code. 26

**Sec. 3781.10.** (A) (1) The board of building standards shall 27  
formulate and adopt rules governing the erection, construction, 28  
repair, alteration, and maintenance of all buildings or classes 29  
of buildings specified in section 3781.06 of the Revised Code, 30  
including land area incidental to those buildings, the 31  
construction of industrialized units, the installation of 32  
equipment, and the standards or requirements for materials used 33  
in connection with those buildings. The board shall incorporate 34  
those rules into separate residential and nonresidential 35  
building codes. The standards shall relate to the conservation 36  
of energy and the safety and sanitation of those buildings. 37

(2) The rules governing nonresidential buildings are the 38  
lawful minimum requirements specified for those buildings and 39  
industrialized units, except that no rule other than as provided 40  
in division (C) of section 3781.108 of the Revised Code that 41  
specifies a higher requirement than is imposed by any section of 42  
the Revised Code is enforceable. The rules governing residential 43  
buildings are uniform requirements for residential buildings in 44  
any area with a building department certified to enforce the 45  
state residential building code. In no case shall any local code 46  
or regulation differ from the state residential building code 47  
unless that code or regulation addresses subject matter not 48

addressed by the state residential building code or is adopted 49  
pursuant to section 3781.01 of the Revised Code. 50

(3) The rules adopted pursuant to this section are 51  
complete, lawful alternatives to any requirements specified for 52  
buildings or industrialized units in any section of the Revised 53  
Code. Except as otherwise provided in division (I) of this 54  
section, the board shall, on its own motion or on application 55  
made under sections 3781.12 and 3781.13 of the Revised Code, 56  
formulate, propose, adopt, modify, amend, or repeal the rules to 57  
the extent necessary or desirable to effectuate the purposes of 58  
sections 3781.06 to 3781.18 of the Revised Code. 59

(B) The board shall report to the general assembly 60  
proposals for amendments to existing statutes relating to the 61  
purposes declared in section 3781.06 of the Revised Code that 62  
public health and safety and the development of the arts require 63  
and shall recommend any additional legislation to assist in 64  
carrying out fully, in statutory form, the purposes declared in 65  
that section. The board shall prepare and submit to the general 66  
assembly a summary report of the number, nature, and disposition 67  
of the petitions filed under sections 3781.13 and 3781.14 of the 68  
Revised Code. 69

(C) On its own motion or on application made under 70  
sections 3781.12 and 3781.13 of the Revised Code, and after 71  
thorough testing and evaluation, the board shall determine by 72  
rule that any particular fixture, device, material, process of 73  
manufacture, manufactured unit or component, method of 74  
manufacture, system, or method of construction complies with 75  
performance standards adopted pursuant to section 3781.11 of the 76  
Revised Code. The board shall make its determination with regard 77  
to adaptability for safe and sanitary erection, use, or 78

construction, to that described in any section of the Revised 79  
Code, wherever the use of a fixture, device, material, method of 80  
manufacture, system, or method of construction described in that 81  
section of the Revised Code is permitted by law. The board shall 82  
amend or annul any rule or issue an authorization for the use of 83  
a new material or manufactured unit on any like application. No 84  
department, officer, board, or commission of the state other 85  
than the board of building standards or the board of building 86  
appeals shall permit the use of any fixture, device, material, 87  
method of manufacture, newly designed product, system, or method 88  
of construction at variance with what is described in any rule 89  
the board of building standards adopts or issues or that is 90  
authorized by any section of the Revised Code. Nothing in this 91  
section shall be construed as requiring approval, by rule, of 92  
plans for an industrialized unit that conforms with the rules 93  
the board of building standards adopts pursuant to section 94  
3781.11 of the Revised Code. 95

(D) The board shall recommend rules, codes, and standards 96  
to help carry out the purposes of section 3781.06 of the Revised 97  
Code and to help secure uniformity of state administrative 98  
rulings and local legislation and administrative action to the 99  
bureau of workers' compensation, the director of commerce, any 100  
other department, officer, board, or commission of the state, 101  
and to legislative authorities and building departments of 102  
counties, townships, and municipal corporations, and shall 103  
recommend that they audit those recommended rules, codes, and 104  
standards by any appropriate action that they are allowed 105  
pursuant to law or the constitution. 106

(E) (1) The board shall certify municipal, township, and 107  
county building departments, the personnel of those building 108  
departments, persons described in division (E) (7) of this 109

section, and employees of individuals, firms, the state, or 110  
corporations described in division (E) (7) of this section to 111  
exercise enforcement authority, to accept and approve plans and 112  
specifications, and to make inspections, pursuant to sections 113  
3781.03, 3791.04, and 4104.43 of the Revised Code. 114

(2) The board shall certify departments, personnel, and 115  
persons to enforce the state residential building code, to 116  
enforce the nonresidential building code, or to enforce both the 117  
residential and the nonresidential building codes. Any 118  
department, personnel, or person may enforce only the type of 119  
building code for which certified. 120

(3) The board shall not require a building department, its 121  
personnel, or any persons that it employs to be certified for 122  
residential building code enforcement if that building 123  
department does not enforce the state residential building code. 124  
The board shall specify, in rules adopted pursuant to Chapter 125  
119. of the Revised Code, the requirements for certification for 126  
residential and nonresidential building code enforcement, which 127  
shall be consistent with this division. The requirements for 128  
residential and nonresidential certification may differ. Except 129  
as otherwise provided in this division, the requirements shall 130  
include, but are not limited to, the satisfactory completion of 131  
an initial examination and, to remain certified, the completion 132  
of a specified number of hours of continuing building code 133  
education within each three-year period following the date of 134  
certification which shall be not less than thirty hours. The 135  
rules shall provide that continuing education credits and 136  
certification issued by the council of American building 137  
officials, national model code organizations, and agencies or 138  
entities the board recognizes are acceptable for purposes of 139  
this division. The rules shall specify requirements that are 140

consistent with the provisions of section 5903.12 of the Revised 141  
Code relating to active duty military service and are 142  
compatible, to the extent possible, with requirements the 143  
council of American building officials and national model code 144  
organizations establish. 145

(4) The board shall establish and collect a certification 146  
and renewal fee for building department personnel, and persons 147  
and employees of persons, firms, or corporations as described in 148  
this section, who are certified pursuant to this division. 149

(5) Any individual certified pursuant to this division 150  
shall complete the number of hours of continuing building code 151  
education that the board requires or, for failure to do so, 152  
forfeit certification. 153

(6) This division does not require or authorize the board 154  
to certify personnel of municipal, township, and county building 155  
departments, and persons and employees of persons, firms, or 156  
corporations as described in this section, whose 157  
responsibilities do not include the exercise of enforcement 158  
authority, the approval of plans and specifications, or making 159  
inspections under the state residential and nonresidential 160  
building codes. 161

(7) Enforcement authority for approval of plans and 162  
specifications and enforcement authority for inspections may be 163  
exercised, and plans and specifications may be approved and 164  
inspections may be made on behalf of a municipal corporation, 165  
township, or county, by any of the following who the board of 166  
building standards certifies: 167

(a) Officers or employees of the municipal corporation, 168  
township, or county; 169

(b) Persons, or employees of persons, firms, or corporations, pursuant to a contract to furnish architectural, engineering, or other services to the municipal corporation, township, or county;	170 171 172 173
(c) Officers or employees of, and persons under contract with, a municipal corporation, township, county, health district, or other political subdivision, pursuant to a contract to furnish architectural, engineering, or other services;	174 175 176 177
(d) Officers or employees of the division of industrial compliance in the department of commerce pursuant to a contract authorized by division (B) of section 121.083 of the Revised Code.	178 179 180 181
(8) Municipal, township, and county building departments have jurisdiction within the meaning of sections 3781.03, 3791.04, and 4104.43 of the Revised Code, only with respect to the types of buildings and subject matters for which they are certified under this section.	182 183 184 185 186
(9) A certified municipal, township, or county building department may exercise enforcement authority, accept and approve plans and specifications, and make inspections pursuant to sections 3781.03, 3791.04, and 4104.43 of the Revised Code for a park district created pursuant to Chapter 1545. of the Revised Code upon the approval, by resolution, of the board of park commissioners of the park district requesting the department to exercise that authority and conduct those activities, as applicable.	187 188 189 190 191 192 193 194 195
(10) Certification shall be granted upon application by the municipal corporation, the board of township trustees, or the board of county commissioners and approval of that	196 197 198

application by the board of building standards. The application	199
shall set forth:	200
(a) Whether the certification is requested for residential	201
or nonresidential buildings, or both;	202
(b) The number and qualifications of the staff composing	203
the building department;	204
(c) The names, addresses, and qualifications of persons,	205
firms, or corporations contracting to furnish work or services	206
pursuant to division (E) (7) (b) of this section;	207
(d) The names of any other municipal corporation,	208
township, county, health district, or political subdivision	209
under contract to furnish work or services pursuant to division	210
(E) (7) of this section;	211
(e) The proposed budget for the operation of the building	212
department.	213
(11) The board of building standards shall adopt rules	214
governing all of the following:	215
(a) The certification of building department personnel and	216
persons and employees of persons, firms, or corporations	217
exercising authority pursuant to division (E) (7) of this	218
section. The rules shall disqualify any employee of the	219
department or person who contracts for services with the	220
department from performing services for the department when that	221
employee or person would have to pass upon, inspect, or	222
otherwise exercise authority over any labor, material, or	223
equipment the employee or person furnishes for the construction,	224
alteration, or maintenance of a building or the preparation of	225
working drawings or specifications for work within the	226
jurisdictional area of the department. The department shall	227

provide other similarly qualified personnel to enforce the	228
residential and nonresidential building codes as they pertain to	229
that work.	230
(b) The minimum services to be provided by a certified	231
building department.	232
(12) The board of building standards may revoke or suspend	233
certification to enforce the residential and nonresidential	234
building codes, on petition to the board by any person affected	235
by that enforcement or approval of plans, or by the board on its	236
own motion. Hearings shall be held and appeals permitted on any	237
proceedings for certification or revocation or suspension of	238
certification in the same manner as provided in section 3781.101	239
of the Revised Code for other proceedings of the board of	240
building standards.	241
(13) Upon certification, and until that authority is	242
revoked, any county or township building department shall	243
enforce the residential and nonresidential building codes for	244
which it is certified without regard to limitation upon the	245
authority of boards of county commissioners under Chapter 307.	246
of the Revised Code or boards of township trustees under Chapter	247
505. of the Revised Code.	248
(F) In addition to hearings sections 3781.06 to 3781.18	249
and 3791.04 of the Revised Code require, the board of building	250
standards shall make investigations and tests, and require from	251
other state departments, officers, boards, and commissions	252
information the board considers necessary or desirable to assist	253
it in the discharge of any duty or the exercise of any power	254
mentioned in this section or in sections 3781.06 to 3781.18,	255
3791.04, and 4104.43 of the Revised Code.	256

(G) The board shall adopt rules and establish reasonable 257  
fees for the review of all applications submitted where the 258  
applicant applies for authority to use a new material, assembly, 259  
or product of a manufacturing process. The fee shall bear some 260  
reasonable relationship to the cost of the review or testing of 261  
the materials, assembly, or products and for the notification of 262  
approval or disapproval as provided in section 3781.12 of the 263  
Revised Code. 264

(H) The residential construction advisory committee shall 265  
provide the board with a proposal for a state residential 266  
building code that the committee recommends pursuant to division 267  
(D) (1) of section 4740.14 of the Revised Code. Upon receiving a 268  
recommendation from the committee that is acceptable to the 269  
board, the board shall adopt rules establishing that code as the 270  
state residential building code. 271

(I) (1) The committee may provide the board with proposed 272  
rules to update or amend the state residential building code 273  
that the committee recommends pursuant to division (E) of 274  
section 4740.14 of the Revised Code. 275

(2) If the board receives a proposed rule to update or 276  
amend the state residential building code as provided in 277  
division (I) (1) of this section, the board either may accept or 278  
reject the proposed rule for incorporation into the residential 279  
building code. If the board does not act to either accept or 280  
reject the proposed rule within ninety days after receiving the 281  
proposed rule from the committee as described in division (I) (1) 282  
of this section, the proposed rule shall become part of the 283  
residential building code. 284

(J) The board shall cooperate with the director of job and 285  
family services when the director promulgates rules pursuant to 286

section 5104.05 of the Revised Code regarding safety and sanitation in type A family day-care homes.	287
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(K) The board shall adopt rules to implement the requirements of section 3781.108 of the Revised Code.	289
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<u>(L) In the interest of public safety, all rules adopted by the board pursuant to this chapter shall be exempt from section 121.95 of the Revised Code.</u>	291
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<b>Section 2.</b> That existing sections 3737.82 and 3781.10 of the Revised Code are hereby repealed.	294
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